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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10 GUSTAVO GUEVARA,) CASE NO. ED CV 09-2160-PSG (PJW)
11)
12 Petitioner,)
13) ORDER ACCEPTING REPORT AND
14 v.) ADOPTING FINDINGS, CONCLUSIONS,
15) AND RECOMMENDATIONS OF UNITED
16 FRANCISCO JACQUEZ, ET AL.,) STATES MAGISTRATE JUDGE
17)
18 Respondents.)
19 _____)
20

21 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition,
22 the records on file, and the Report and Recommendation of United
23 States Magistrate Judge. No objections to the Report and
24 Recommendation have been filed. The Court accepts the Magistrate
25 Judge's Report and adopts it as its own findings and conclusions.

26 Further, for the reasons stated in the Report and Recommendation,
27 the Court finds that Petitioner has not made a substantial showing of
28 the denial of a constitutional right and, therefore, a certificate of

1 appealability should not issue in this action. See 28 U.S.C. §
2 2253(c)(2); Fed. R. App. P. 22(b); *Miller-El v. Cockrell*, 537 U.S.
3 322, 336 (2003).

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5 DATED: 01/14/11.

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7 **PHILIP S. GUTIERREZ**
8 PHILIP S. GUTIERREZ
9 UNITED STATES DISTRICT JUDGE
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